

unit is purchased, after determining whether prior approval by the consumer is required, by the dealer.

14. (NEW) A computer readable medium for storing and processing market information of consumers and dealers via an electronic network, the computer readable medium comprising:

registering personal information of a consumer;
registering market information about goods which the consumer desires to purchase;
posting the market information that is registered according to genres; and
acquiring personal information of the consumer necessary for a dealer to access the consumer from said personal information when the market information posted is purchased, after determining whether prior approval by the consumer is required, by the dealer.--

REMARKS

In response to the Office Action dated November 25, 1998, the title of the invention and claims 1 and 2 (claim 2 having been amended solely to improve clarity) are amended, and new claims 11-14 are added. Care has been exercised to avoid the introduction of any new matter.

OBJECTION TO TITLE

The title of the invention has been objected to in the Office Action. The title of the invention has been amended as indicated above.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claim 1 has been rejected in the Office Action under 35 U.S.C. § 102(e) as anticipated by Fraser (U.S. Patent No. 5,664,115).

The present invention relates to a marketing system operated by consumers, wherein the consumers disclose their interest in or intention to purchase goods on an electronic network. Consumers disclose specific purchase requests to dealers, and the dealers browse the consumers

2 requests (after determining whether approval by the consumer is required) in order to find/sell the requested products. Hence, the consumer does not need to worry about whether he/she can locate a good or service. Rather, when a consumer does not know where to locate a desired good or service, a purchase request is input, and the dealer (seller) locates the request and "delivers" the good or service.

Fraser discloses a method and apparatus of automatically matching sellers of property with potential buyers through a communications network. A buyer may input information regarding property which is evaluated by the host system to determine whether the buyer is qualified to purchase each selected property. Once in the system, a buyer can input a sorting criteria for selecting only preferred property listings. When the buyer's criteria is received by the host system, the host system performs a search. The prospective buyer then reviews each property listing meeting his/her criteria to determine whether to request more information from the seller. If such a request is made, the system then requests information about the prospective buyer commensurate with the requirement of each property. If a transaction is ultimately consummated, the seller then pays the system operator an appropriate fee in accordance with a prearranged agreement.

Fraser, on the other hand, discloses the purchase of property, wherein the buyer ultimately locates the property based on listings formulated by the host system. Significantly, Fraser does not disclose seeking approval by the buyer (consumer) prior to the seller accessing the buyer information. Rather, Fraser discloses an "access status" of the seller (seller record), as illustrated in Fig. 4A. To emphasize this distinction, claim 1 is amended to recite "personal information acquiring means for acquiring personal information of the consumer necessary for a dealer to access the consumer from said personal information registering means when the market information posted at said posting means is purchased, after determining whether prior approval by the consumer is required, by the dealer."

Since the recited structure is not disclosed by the applied prior art, claim 1 is believed patentable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 2-10 have been rejected in the Office Action under 35 U.S.C. § 103(a) as unpatentable over Fraser in view of Lalonde et al. (U.S. Patent No. 5,283,731). The Office Action states that “Fraser fails to explicitly teach that the market information has been purchased by the dealer”, and that both “Fraser and Lalonde fail to teach that access confirming means for seeking approval for the dealer’s access from the consumer who registered the purchased market information, when said prior approval demand determining means judges that the prior approval is required, and access confirming means cancels the purchase of the market information by the dealer when the consumer does not approve the dealer’s access.” The Examiner, however, takes Official Notice as disclosing these features. The rejection of claims 2-10 is obviated for the reasons set forth with respect to claim 1 herein-above, and for the reasons set forth below.

Applicant’s respectfully submit that it would not have been obvious to one having ordinary skill in the art to have been realistically motivated to modify the Fraser and Lalonde et al. references with the Official Notice. That is, one having ordinary skill in the art would not have been realistically motivated to modify the Fraser and Lalonde et al. references with “determining whether prior approval by the consumer is required” for the purpose of securing authorization from the consumer before a seller (dealer) is allowed to acquire consumer information regarding a requested product. In fact, the conventional art teaches away from doing so. Traditionally, the consumer seeks goods and services from the seller (dealer), and purchases the goods and services based on their search. In this case, however, the dealer is searching for the goods and services based on the consumer’s specific request. Hence, it is necessary for the dealer to acquire consumer information regarding the goods and services. Therefore, while the Examiner may argue (take Official Notice) that it is well known to determine whether prior approval by the consumer is required, even assuming *arguendo* this to be true, there is no motivation to use this “determination” in combination with the existing “goods and services” products disclosed in Fraser and Lalonde et al.

Since the recited structure is not disclosed by the applied prior art (either alone or in combination), and since there is no reason why the skilled artisan would have modified the applied

references, claims 2-10 are believed patentable.

NEW CLAIMS

New claims 11-14 have been added. Support for new claims 11-14 may be found, for example, in Figs. 1 and 2 and corresponding recitation in the disclosure. Claims 11-14 are believed patentable for the same reasons set forth with respect to claim 1.

In view of the foregoing, claims 1-14 are believed to be in condition for allowance. An indication of the same is earnestly solicited.

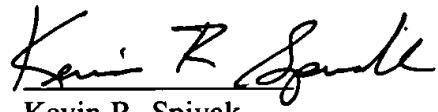
CONCLUSION

Accordingly, it is urged that the application overcomes the rejection of record and is in condition for allowance. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-3935 and please credit any excess fees to such deposit account.

Respectfully submitted,

STAAS & HALSEY LLP



Kevin R. Spivak
Registration No. 43,148

700 Eleventh Street, N.W.
Suite 500
Washington, D.C. 20001
Telephone: (202) 434-1500

Dated: 3/25/99